

**DISTRICT COURT OF MARYLAND FOR****FREDERICK COUNTY**

Located at 100 WEST PATRICK ST, FREDERICK, MD 21701

Telephone No. 301-600-2924

Case No. D-111-FM-23-000017

TEMPORARY PROTECTIVE ORDER**PETITIONER**

JENNIFER WELLING

First

Middle

Last

Date of Birth

and any minor(s) or vulnerable adult(s) on whose behalf the petition was filed. (List names and date(s) of birth.)

AUSTIN WELLING

02/27/2011

Name

DOB

Name

DOB

Name

DOB

VS.**OBO AND OTHER(S) TO BE PROTECTED:**

Name

DOB

Name

DOB

Name

DOB

RESPONDENT

CHELSEA PHOENIX

Petitioner is related to Respondent as follows:

- ☐ Spouse ☐ Former spouse
☐ Cohabitant ☐ Children in common ☐ Parent
☒ Other relationship

214 RABBITT RD

Address

GAITHERSBURG, MD 20878

240-672-8769

City, State, Zip

Telephone

CAUTION: ☐ Weapon involved

Type

☐ Access to firearm(s)**RESPONDENT IDENTIFIERS**

SEX	RACE	DOB	HT	WT
F	2	01/25/2005	5' 4"	115
EYES	HAIR	Distinguishing Features		
BLU	BRN			
VEHICLE DESCRIPTION			TAG NO.	
EMPLOYER				

THE COURT FINDS that under the laws of Maryland the issuing court has jurisdiction over the parties and the subject matter.**THE COURT ORDERS:**

That the above named respondent SHALL NOT abuse, threaten to abuse, and/or harass the petitioner and others to be protected.

☒ That the above named respondent SHALL NOT contact the protected parties by any means.

Additional terms of the order are in this document.

The terms of this order shall be effective through

06/09/2023

If the court is closed unexpectedly on the expiration date, this order will remain in effect until the second day the court is open.

The Final Protective Order hearing will be held at 08:45 AM.

Only the court can change this order.**NOTICE TO PETITIONER**

If a protective order has been issued, you can register to receive notification of when the order has been served by registering with VINE Protective Order (VPO), a free automated service. To register with VPO and access protective order information, call 1-877-846-3420 or visit registervpo.com.

NOTICE TO RESPONDENT: PENALTIES

A violation of a Temporary Protective Order is a crime and law enforcement shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the Interim, Temporary, or Final Protective Order. Violation of this order may result in criminal prosecution, imprisonment or fine or both, or a finding of contempt. This Protective order shall be recognized and enforced by the courts of any state, the District of Columbia, any U.S. Territory, tribal lands (18 U.S.C. § 2265) or Department of Defense installations (10 U.S.C. § 1561a). Crossing state, territorial or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262).

Federal law provides penalties of up to \$250,000 fine and 10 years in prison for possessing, transporting, shipping, or receiving any firearm or ammunition while subject to a protective order or after being convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(8) and (9)) or knowingly transferring a firearm after a conviction of a misdemeanor crime of domestic violence (18 U.S.C. § 922(d)(9)).

Questions regarding this notice should be directed to your attorney, law enforcement agency, or the Maryland State Police Licensing Division at 410-653-4500.

Person(s) appearing in person: petitioner

In consideration of the petition and evidence, the court makes the following FINDINGS:

A. AUSTIN WELLING, who is a person(s) eligible for relief, is:

an individual who alleges that within six (6) months before the filing of the petition the respondent committed a rape or a sexual offense or an attempted rape or an attempted sexual offense against the individual.

B. Petitioner is:

In the case of a vulnerable adult or minor child: A RELATIVE

C. There are reasonable grounds to believe that the respondent committed the following act(s) of abuse:

Assault in any degree

Rape or a statutory sexual offense (or attempt)

The court ORDERS:

1. Respondent SHALL NOT abuse, threaten to abuse JENNIFER WELLING, AUSTIN WELLING.

2. Respondent SHALL NOT contact, attempt to contact, or harass (in person, by telephone, in writing, or by any other means) JENNIFER WELLING, AUSTIN WELLING.

3. Respondent SHALL NOT enter the residence of JENNIFER WELLING at 6319 CLARIDGE DR. S., FREDERICK, MD 21701 or wherever the person eligible for relief resides.
(Residence includes yard, grounds, outbuildings, and common areas surrounding the dwelling)

4. Respondent SHALL STAY AWAY from:

(1) School: T.J. MIDDLE SCHOOL, 1799 SCHIFFERSTADT BLVD, FREDERICK, MD 21701

5. A FINAL PROTECTIVE ORDER HEARING SHALL BE HELD ON 06/09/2023, AT 08:45AM AT DISTRICT COURT AT 100 WEST PATRICK ST, FREDERICK, MD 21701:

NOTICE TO ALL PARTIES: Please bring all photos, documents and other evidence that you may have with you to court on your hearing date.

This order supersedes and overrides any previously entered Interim Protective Order issued by a commissioner.

Comments:

DISTRICT COURT DELAYED OPENING/CLOSING:

IF THE COURT IS CLOSED, THIS HEARING WILL BE HELD AT THE ORIGINAL TIME IT WAS SCHEDULED, THE SECOND DAY THE COURT IS OPEN.

IF THE COURT OPENS LATE (AFTER THE TIME YOUR CASE WAS SCHEDULED TO BE HEARD), YOUR CASE WILL BE HELD AT 1:00P.M.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL 301-600-2924.

06/02/2023


 JUDGE EARL WILBUR BARTGIS JR.

OAP

ID No.

NOTICE TO RESPONDENT

A petition for protection alleges that you have committed abuse. Based on the petition and on any testimony provided at the initial hearing, the court has issued this Temporary Protective Order.

Violation of this order may be a state and/or federal crime or contempt of court, or both, and result in imprisonment or fine or both. This order may be enforced by another state or jurisdiction, which may impose additional or different penalties for the violation.

In order to respond to the allegation that abuse occurred, you must appear in court at the Final Protective Order hearing provided for in this order. If at the hearing the court finds by a preponderance of the evidence that you committed the alleged abuse, the court will issue a Final Protective Order against you, even if you fail to appear. The court may order any or all of the following:

- ⊙ that you not abuse, threaten to abuse, contact, attempt to contact, harass, and/or enter the residence of someone;
- ⊙ that you stay away from someone's workplace, school, temporary residence, home, or child care provider;
- ⊙ use and possession of your home, and/or jointly owned vehicle;
- ⊙ an award of temporary custody and/or visitation of a child;
- ⊙ an award of Emergency Family Maintenance;
- ⊙ that you surrender all firearm(s) to a law enforcement agency and refrain from possession of any firearm for the duration of the order;
- ⊙ that you pay filing fees and costs;
- ⊙ an award of temporary possession of a pet;
- ⊙ that you and/or the person(s) eligible for relief participate in counseling and/or a domestic violence program;
- ⊙ any other relief that the judge determines is necessary to protect a person eligible for relief from abuse.

Duration of the Final Protective Order:

Generally, a Final Protective Order may be in effect for as long as one (1) year. Additionally:

The court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.

A Final Protective Order may be granted for a period not to exceed two (2) years, if a judge finds the respondent has committed a subsequent act of abuse against a person eligible for relief within one (1) year after the date that a prior Final Protective Order issued against the same respondent on behalf of the same person eligible for relief expires or by consent of the respondent within one (1) year after the date that a prior Final Protective Order issued against the same respondent on behalf of the same person eligible for relief expires,

and the prior Final Protective Order was issued for a period of at least six (6) months.

- ⊙ The court shall issue a Permanent Protective Order if:
 - requested by the person eligible for relief against an individual who was the respondent in a previously issued Interim, Temporary, or Final Protective Order; AND
 - the respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years and served at least 12 months of the sentence for:
 - ☑ the act of abuse that led to the issuance of the Interim, Temporary, or Final Protective Order; OR
 - ☑ committing an act of abuse against the person eligible for relief during the term of the Interim, Temporary, or Final Protective Order.

If you fail to appear in court and a Final Protective Order is issued, you may be served by first-class mail at your last known address with the Final Protective Order and all other notices concerning the Final Protective Order. The Final Protective order will be valid and enforceable upon mailing. You must notify the court in writing of any change of address.

State law requires the respondent to surrender all firearms to a law enforcement agency if a Final Protective Order is issued.

NOTICE TO ALL PARTIES

Hearing dates and places are subject to change, and you should call the court clerk's office at 301-600-2924 to be sure you know when your hearing(s) will occur. You are responsible for knowing when and where hearings will occur.

Each party may be represented by an attorney. You are not required to have an attorney. At the Final Protective Order hearing, the petitioner will be required to prove the alleged facts by a preponderance of the evidence, whether or not you are represented by an attorney. The rules of evidence apply to your hearing, whether or not you are represented by an attorney. If you are a party and cannot afford a private attorney, there are agencies that may be able to help you.

At the Final Protective Order hearing, the court may order the respondent to pay Emergency Family Maintenance and may enter an immediate and continuing withholding order for that purpose. If Emergency Family Maintenance is requested, both parties should complete a Financial Statement (CC-DC-DV-004) before the Protective Order hearing and bring it to court. You should also bring documents (such as pay stubs, copy of your lease, bills, etc.) to support the figures you supply.

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.

Possession and use cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

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TRUE COPY CERTIFICATION OF TEMPORARY PROTECTIVE ORDER

ATTESTATION OF CLERK

I, Kim Hurd, clerk of the court in FREDERICK COUNTY, State of Maryland, certify that this order is a true and correct copy of the original.



In testimony, I set my hand and affixed the seal of this court at 100 West Patrick St, Frederick, Maryland.

Kimberly Hurd

CLERK Kim Hurd

Date: 06/02/2023

ATTESTATION OF JUDGE

I, EARL WILBUR BARTGIS JR., judge of the court in FREDERICK COUNTY, State of Maryland, certify that Kim Hurd, whose name is subscribed to the certificate of attestation, now is, and/or was at the time of signing and sealing the same, a clerk of the court in FREDERICK COUNTY and that their attestation is in due form of law.


JUDGE EARL WILBUR BARTGIS JR. OAP ID No.

Date: 06/02/2023

Court: District Court of Maryland for FREDERICK COUNTY
Address: 100 WEST PATRICK ST, FREDERICK, MD 21701
Phone: 301-600-2924